

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. 1:07-CR-0240
	:	
v.	:	(Judge Conner)
	:	
BENJAMIN SIMMONS	:	

ORDER

AND NOW, this 11th day of September, 2007, upon consideration of the motion for early release of Jencks Act materials (Doc. 29), in which defendant requests that the court order the government “to release Jencks Act material substantially in advance of the commencement of trial,” but see 18 U.S.C. § 3500 (“In any criminal prosecution brought by the United States, no statement or report in the possession of the United States which was made by a Government witness or prospective Government witness (other than the defendant) shall be the subject of subpoena, discovery, or inspection until said witness has testified on direct examination in the trial of the case.”), and it appearing that the government will provide Jencks Act material the Friday afternoon before the first day of trial (see Doc. 50 at 5), and that, under the circumstances, the court lacks authority to require early disclosure of Jencks Act material, see United States v. D’Elia, No. 3:CR-06-191, 2007 WL 2458487, at *7 (M.D. Pa. Aug. 24, 2007) (“The Third Circuit . . . has held that district courts lack the authority to compel early production of Jencks

material.” (citing United States v. Murphy, 569 F.2d 771 (3d Cir. 1978)), it is hereby ORDERED that the motion for early release of Jencks Act materials (Doc. 29) is DENIED.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge